

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TERRESTRIAL COMMS LLC,

Plaintiff

v.

**PLANTRONICS, INC. and
POLYCOM, INC.,**

Defendants

Case No. 6:21-cv-00054

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Terrestrial Comms LLC (“Plaintiff” or “Terrestrial”) hereby asserts the following claims for patent infringement against Defendants Plantronics, Inc. and Polycom, Inc. (“Plantronics” or Defendants”) and alleges, on information and belief, as follows:

THE PARTIES

1. Terrestrial is a limited liability company organized and existing under the laws of the Texas with its principal place of business at 17330 Preston Road, Suite 200D, Dallas, Texas 75252.
2. On information and belief, Plantronics, Inc. is a Delaware corporation with its principal place of business at 345 Encinal Street, Santa Cruz, California 95060. Plantronics may be served through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. On information and belief, Plantronics,

Inc. is registered to do business in the State of Texas and has been since at least May 9, 2006

3. On information and belief, Polycom, Inc. is a Delaware Corporation with its principal place of business at 345 Encinal Street, Santa Cruz, California 95060. Polycom, Inc. may be served through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. On information and belief, Polycom Inc. is registered to do business in the State of Texas and has been since at least July 27, 2000.

4. On information and belief, on or about March 28, 2018, Plantronics, Inc. acquired Polycom, Inc. On information and belief, by March 2019, Plantronics, Inc. and Polycom, Inc. integrated their business operations, management, facilities, and product offerings. On information and belief, the combined businesses of Plantronics, Inc. and its wholly-owned subsidiary Polycom, Inc. conducts their combined business operations under the name “Poly.” On March 18, 2019, “Plantronics, Inc. . . .announced that the company will transform into Poly, a technology company focused on the human experience of communications and collaboration, aiming to make communication as rich and natural as in-person. Poly, which means, “many” leverages the legendary audio and video expertise of Plantronics and Polycom . . .” Meet Poly: Plantronics + Polycom Relaunches To Focus On Driving The Power of Many, POLY WEBSITE, available at: <https://www.poly.com/us/en/about/newsroom/plantronics-and-polycom-nowtogether-as-poly>.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Defendants have committed acts of infringement in this judicial district.
7. On information and belief, the Court has personal jurisdiction over the Defendants because Defendants have committed, and continue to commit, acts of infringement in the state of Texas, have conducted business in the state of Texas, and/or have engaged in continuous and systematic activities in the state of Texas.
8. On information and belief, Defendants' instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Western District of Texas.
9. Defendants have a regular established place of business in this judicial district.
10. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 1400(b).

ACCUSED PRODUCTS

11. Upon information and belief, Defendants make, use, import, sell, and/or offer for sale the Plantronics Voyager 5200 UC, (collectively the "Accused Products").
12. Upon information and belief, Defendants encourage and support the use of the Accused Products through their online support, advertising, and licensing relationships with resellers.

THE PATENTS-IN SUIT

13. On August 12, 2008, United States Patent No. 7,411,552 (the "'552 patent"), entitled "Grounded Antenna for a Wireless Communication Device and Method," was duly and lawfully issued by the U.S. Patent and Trademark Office.
14. Terrestrial is the assignee and owner of the right, title and interest in and to the '552 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

15. On December 6, 2005, United States Patent No. 6,973,133 (the “133 patent”), entitled “Integrated Radio Frequency Interface,” was duly and lawfully issued by the U.S. Patent and Trademark Office.

16. Terrestrial is the assignee and owner of the right, title and interest in and to the ’133 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

17. On February 11, 2003, United States Patent No. 6,519,290 (the “290 patent”), entitled “Integrated Radio Frequency Interface,” was duly and lawfully issued by the U.S. Patent and Trademark Office.

18. Terrestrial is the assignee and owner of the right, title and interest in and to the ’290 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,411,552

19. Terrestrial repeats and realleges the allegations of paragraphs 1 through 18 as if fully set forth herein.

20. Claim 1 of the ’552 Patent recites:

1. A wireless communication device, comprising:
 - a substrate;
 - a ground plane positioned on one side of the substrate;
 - a wireless communication chip electrically connected to said ground plane and proximate thereto;
 - an antenna having a first end and a second end, said first end electrically connected to said ground plane; and

said second end comprising an open circuit.

21. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants have infringed and continue to infringe the '552 Patent by making, using, importing, offering for sale, and/or selling the Accused Products.

22. As exemplified below, the Accused Products are a wireless communication device that communicates via Bluetooth.

A wireless communication device, comprising:

The Accused Instrumentality communicates via Bluetooth.

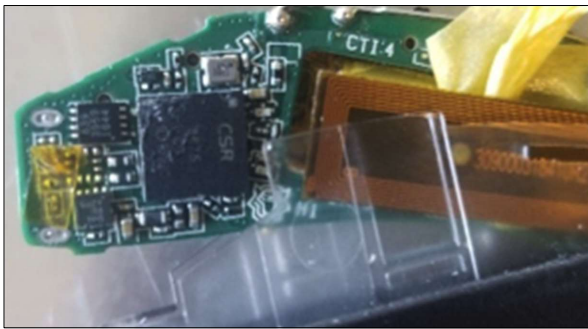


<https://www.poly.com/us/en/products/headsets/voyager/voyager-5200-uc>

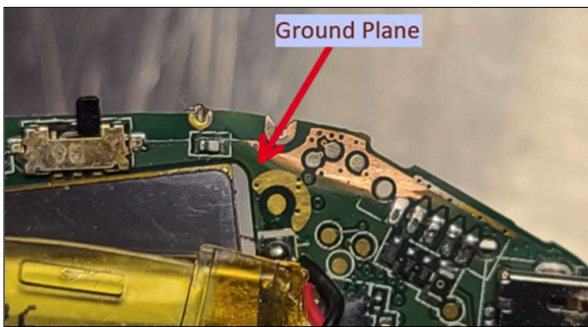
a substrate; a ground plane positioned on one side of the substrate;

The chipset within the Accused Instrument comprises of a substrate with a ground plane, antenna and wireless communication chip positioned on one side of that substrate:

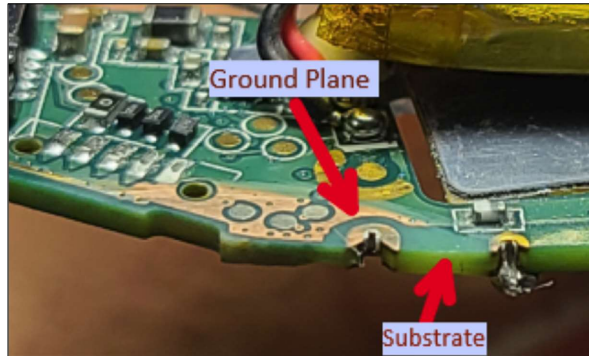
Inside of the Accused Instrumentality



Top view of ground plane:

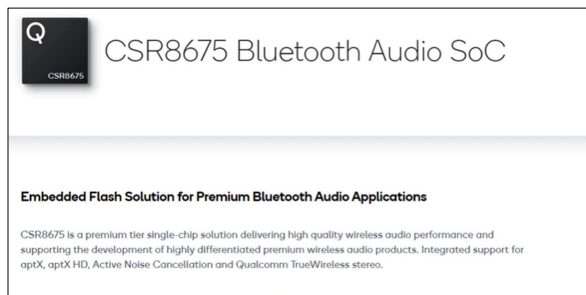


Cross section view of substrate and ground plane:



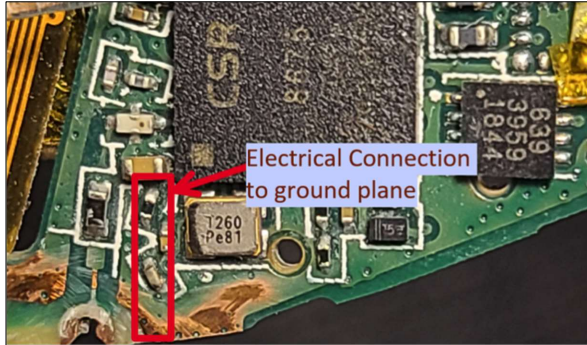
a wireless communication chip electrically connected to said ground plane and proximate thereto;

The chip is a Qualcomm CSR 8675, which is a wireless communication Bluetooth chip.

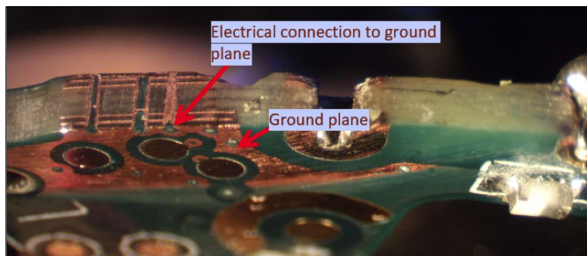
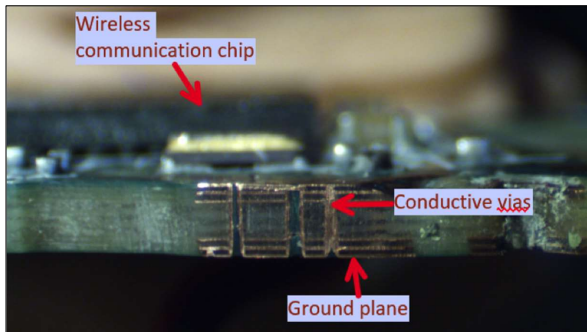


<https://www.qualcomm.com/Instrumentalitys/csr8675>

The wireless chip is electrically connected to the ground plane:



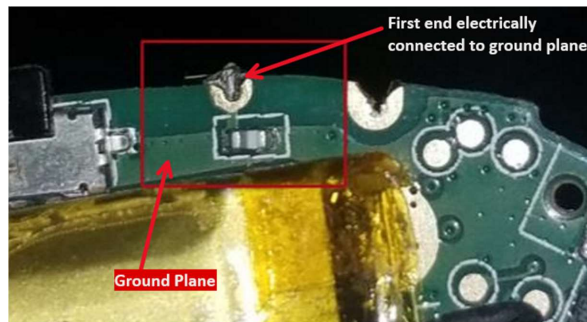
The electrical connection is done via a conductive vias that goes through the substrate:



an antenna having a first end and a second end, said first end electrically connected to said ground plane; and

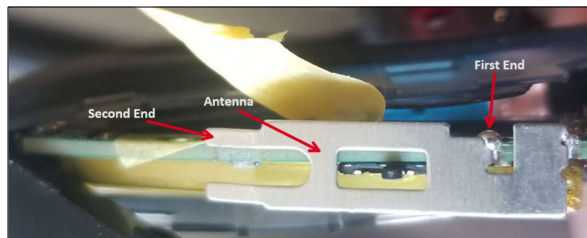
The Accused Instrumentality comprises an antenna having two ends, one

electrically connected to said ground plane and another comprising an open circuit:



said second end comprising an open circuit.

Said second end is an open circuit.



23. Terrestrial is entitled to recover from Defendants the damages sustained by Terrestrial as a result of Defendants' infringement of the '552 Patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,973,133

24. Terrestrial repeats and realleges the allegations of paragraphs 1 through 18 as if fully set forth herein.

25. Claim 1 of the '133 Patent recites:

1. An apparatus comprising:

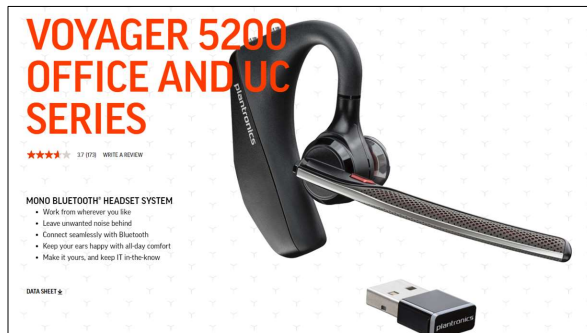
a circuit configured to (i) communicate one or more Universal Serial Bus (USB) data signals via a wireless radio signal comprising a single frequency hopping sequence configured to support one or more USB devices and (ii) enumerate said one or more USB devices.

26. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants have infringed and continue to infringe the '133 Patent by making, using, importing, offering for sale, and/or selling the Accused Products.

27. As exemplified below, the Accused Products are an apparatus comprising a circuit configured to communicate USB data signals over a wireless frequency.

An apparatus comprising:

The Accused Products are an apparatus comprising a circuit configured to communicate USB data signals over a wireless frequency to one or more USB devices (e.g., headset) and to enumerate the USB devices.



a circuit configured to (i) communicate one or more Universal Serial Bus (USB) data signals via a wireless radio signal comprising a single frequency hopping sequence configured to support one or more USB devices and

The Accused Instrumentality includes a circuit configured to communicate one or

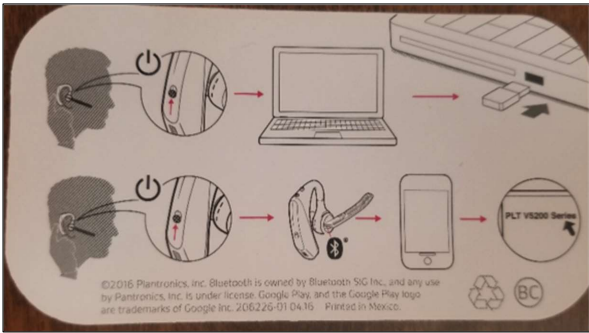
more USB data signals to support one more USB devices.

The circuit is a device configured to communicate via wireless radio signal (e.g., Bluetooth).

Operating Frequencies				
Frequency Range	Power Output	Rule Parts	Grant Notes	App #
2.402-2.48 GHz	10 mW	15C	CC	1.1
2.402-2.48 GHz	7.82 mW	15C	CC	2.1

<https://fccid.io/AL8-BT600>

The circuit is operable to communicate with one or more USB devices.



The host device (e.g., computer) communicates data through the circuit (e.g., USB dongle) to a USB device (e.g., headset) via wireless radio signal (e.g., Bluetooth).

As an example of this communication, when the user presses the volume button on the computer which hosts the circuit the headset will respond and the speaker within the headset will increase its output volume.

The circuit operates on a frequency hopping sequence (e.g., Gaussian frequency-shift keying).

Commented [A1]: We are claiming that Bluetooth is equivalent to radio signals. This is backed up by the FCC's description of the 15C Rule part, which the device operates in <https://ecfr.io/Title-47/pt47.1.15#sp47.1.15.c>. As well, the patent specifies that the circuit network device is operable to use Bluetooth (Check dependent claim 10).

1.1. EUT Description	
Product Name	Bluetooth USB Dongle
Brand Name	Plantronics
Model No.	BT600
Working Voltage	DC 5V
Bluetooth Specification	3.0HS + Version 4.0
Frequency Range	2402- 2480 MHz
Channel Number	V3.0+HS: 79 V4.0: 40
Channel Separation	V3.0+HS: 1MHz V4.0: 2MHz
Type of Modulation	V3.0+HS: GFSK, Pi/4 DQPSK, 8DPSK V4.0: GFSK
Data Rate	V3.0+HS: 1Mbps(GFSK), 2Mbps(Pi/4 DQPSK), 3Mbps (8DPSK) V4.0: 1Mbps(GFSK)
Antenna Type	Reference to Antenna List
Peak Antenna Gain	Reference to Antenna List

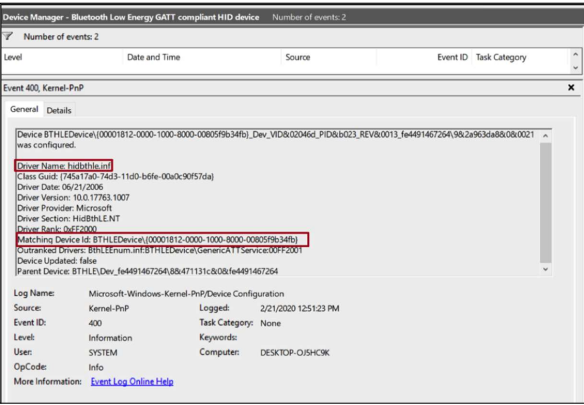
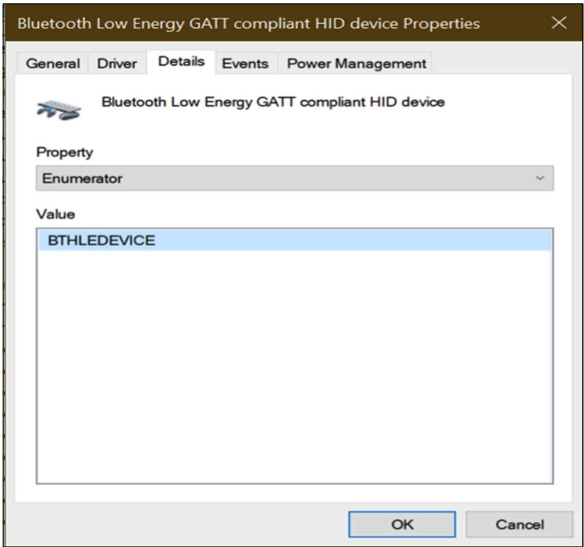
<https://fccid.io/AL8-BT600/Test-Report/14C0468R-RF-FCC-Part15-247-BT-3-0-Bluetooth-USB-Dongle-BT600-V1-0-2015-02-11-2531103>

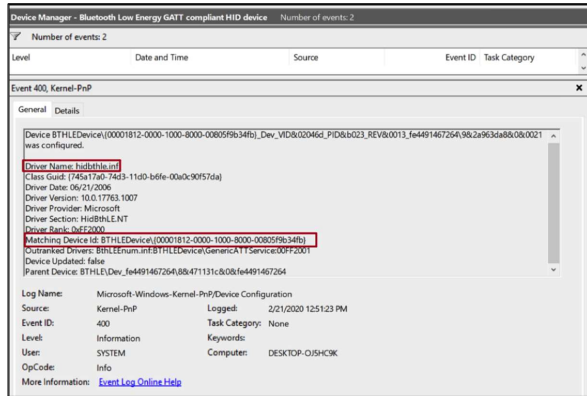
The circuit operates between 2402 and 2480 MHz.

The frequency hopping sequence supports one or more USB devices (e.g., headset).

(ii) *enumerate said one or more USB devices.*

The Accused Instrumentality is operable to enumerate the USB devices.





“A hardware ID is a vendor-defined string that Windows uses to match a device to an INF file.”

<https://docs.microsoft.com/en-us/windows-hardware/drivers/install/hardware-ids>

28. Terrestrial is entitled to recover from Defendants the damages sustained by Terrestrial as a result of Defendants' infringement of the '133 Patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 6,519,290

29. Terrestrial repeats and realleges the allegations of paragraphs 1 through 18 as if fully set forth herein.

30. Claim 1 of the '290 Patent recites:

31. An apparatus comprising:

a circuit configured to generate a wireless radio signal in response to one or more first Universal Serial Bus (USB) data signals,

wherein said wireless radio signal comprises a single frequency hopping sequence configured to support one or more USB peripheral wireless network devices, and

said circuit is configured to (i) generate said one or more first USB data signals in response to said wireless radio signal and

(ii) enumerate said one or more USB devices.

32. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants have infringed and continue to infringe the '290 Patent by making, using, importing, offering for sale, and/or selling the Accused Products.

33. As exemplified below, the Accused Products are a circuit configured to communicate USB data signals over a wireless frequency.

An apparatus comprising:

The Accused instrumentality is an apparatus comprising a circuit configured to communicate USB data signals over a wireless frequency to one or more USB devices (e.g., headset) and to enumerate the USB devices.



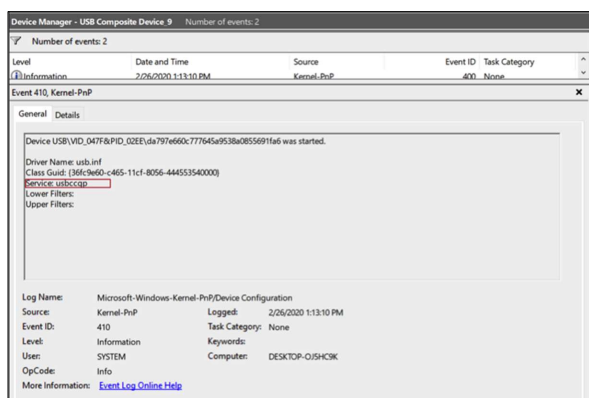
a circuit configured to generate a wireless radio signal in response to one or more first Universal Serial Bus (USB) data signals,

The Accused Instrumentality includes a circuit configured to generate a wireless

radio signal in response to one or more first Universal Serial Bus (USB) data signals.

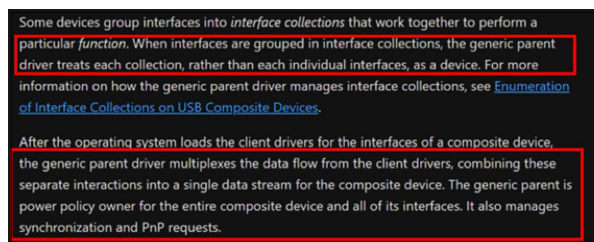
The first data signal below is communicated between the host device and the USB interface.

To set up the USB interface, the client drivers (provided by the host) communicate with the receiver to establish the protocol as described below:

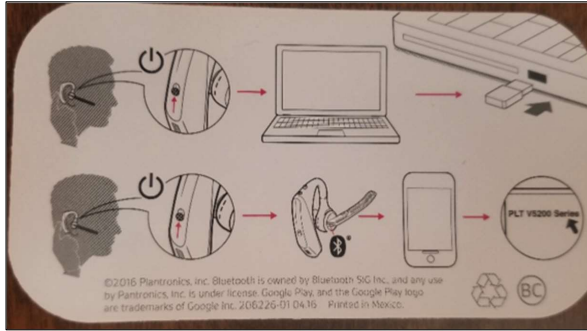


The service shown above is the USB generic parent driver

<https://docs.microsoft.com/en-us/windows-hardware/drivers/usbcon/usb-common-class-generic-parent-driver>

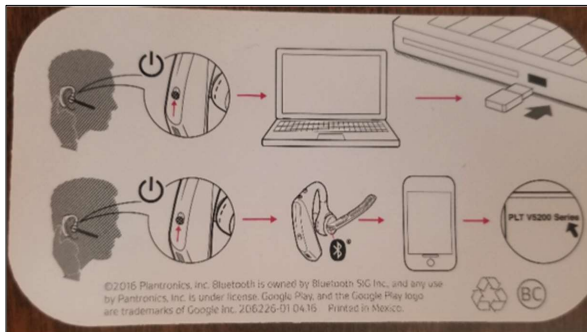


In response to said first data transaction the device is then registered to the computer and begins transmitting a wireless frequency device to connect to peripheral device (e.g., headset)



wherein said wireless radio signal comprises a single frequency hopping sequence configured to support one or more USB peripheral wireless network devices, and

The USB Transceiver registers and communicates with said device.



The circuit is a device configured to communicate via wireless radio signal (e.g., Bluetooth).

Commented [A2]: Check comment on page 16 for Wireless radio vs Bluetooth.

Operating Frequencies				
Frequency Range	Power Output	Rule Parts	Grant Notes	App #
2.402-2.48 GHz	10 mW	15C	CC	1.1
2.402-2.48 GHz	7.82 mW	15C	CC	2.1

<https://fccid.io/AL8-BT600>

The radio signal that is generated comprises a frequency hopping sequence to support one or more peripheral devices.



Application: Bluetooth USB Dongle
Equipment Class: DSS - Part 15 Spread Spectrum Transmitter
Alternate Sources: FCC.gov FCC.report
Registered By: Plantronics Inc - AL8 (United States)
you@youremail.com <input type="button" value="Subscribe"/>

<https://fccid.io/AL8-BT600>

The circuit operates on a frequency hopping sequence (e.g., Gaussian frequency-shift keying).

1.1. EUT Description	
Product Name	Bluetooth USB Dongle
Brand Name	Plantronics
Model No.	BT600
Working Voltage	DC 5V
Bluetooth Specification	3.0HS + Version 4.0
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Type of Modulation	V3.0+HS: GFSK, Pi/4 DQPSK, 8DPSK V4.0: GFSK
Data Rate	V3.0+HS: 1Mbps(GFSK), 2Mbps(Pi/4 DQPSK), 3Mbps (8DPSK) V4.0: 1Mbps(GFSK)
Antenna Type	Reference to Antenna List
Peak Antenna Gain	Reference to Antenna List

<https://fccid.io/AL8-BT600/Test-Report/14C0468R-RF-FCC-Part15-247-BT-3-0-Bluetooth-USB-Dongle-BT600-V1-0-2015-02-11-2531103>

The circuit operates between 2402 and 2480 MHz.

The frequency hopping sequence supports one or more USB peripheral devices (e.g., headset).

said circuit is configured to (i) generate said one or more first USB data signals in response to said wireless radio signal and

The device generates a USB data signal in response to said wireless radio signal.

The circuit is a device configured to communicate via wireless radio frequency (e.g., Bluetooth).

Operating Frequencies				
Frequency Range	Power Output	Rule Parts	Grant Notes	App #
2.402-2.48 GHz	10 mW	15C	CC	1.1
2.402-2.48 GHz	7.82 mW	15C	CC	2.1

<https://fccid.io/AL8-BT600>

The circuit is operable to communicate with one or more USB devices (e.g., Headset).

The headset communicates via a wireless frequency:

1.1. EUT Description	
Product Name	Bluetooth headset
Brand Name	Plantronics
Model No.	POTE16
Working Voltage	3.3V-4.25V
Bluetooth Specification	V3.0+V4.1
Frequency Range	2402- 2480 MHz
Channel Number	V3.0: 79 V4.1: 40
Channel Separation	V3.0: 1MHz V4.1: 2MHz
Type of Modulation	V3.0: GFSK, Pi/4 DQPSK, 8DPSK V4.1: GFSK
Data Rate	V3.0: 1Mbps(GFSK), 2Mbps(Pi/4 DQPSK), 3Mbps (8DPSK) V4.1: 1Mbps(GFSK)

<https://fccid.io/AL8-POTE16>

The transmitter in the wireless headset sends a data signal via Bluetooth to the USB device which receives the radio signal and converts that data into a USB data signal

which is then communicated to the host device.

Application: Bluetooth headset

Equipment Class: DSS - Part 15 Spread Spectrum Transmitter

Alternate Sources: FCC.gov | FCC report

Registered By: Plantronics Inc. - ALB (United States)

you@youremail.com

Subscribe

App #	Purpose	Date	Unique ID
1	Original Equipment	2015-12-08	AmUkgDyT1owkZSlnVle**
2	Original Equipment	2015-12-08	s7R8SngAvtM0vGAM0x3JdA**

Operating Frequencies

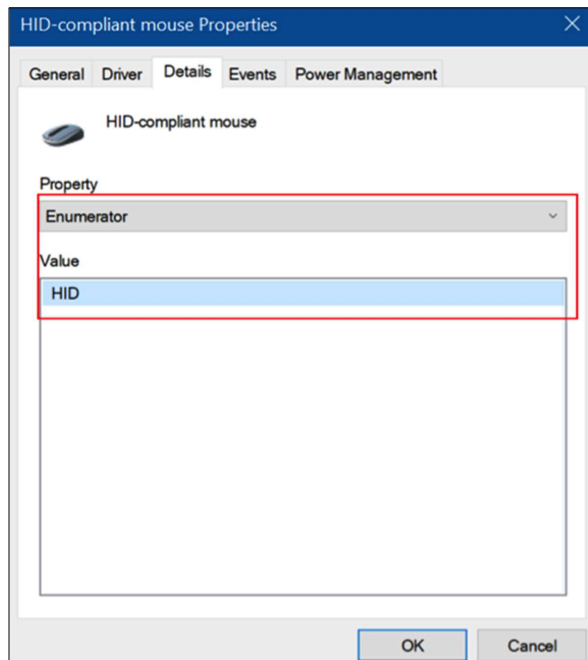
Frequency Range	Power Output	Rule Parts	Grant Notes	App #
2.402-2.48 GHz 0	8.97 mW	15C	CC	1.1
2.402-2.48 GHz 0	2.75 mW	15C	CC	2.1

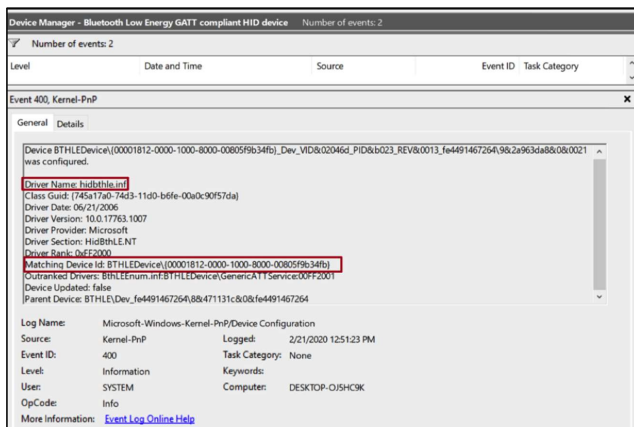
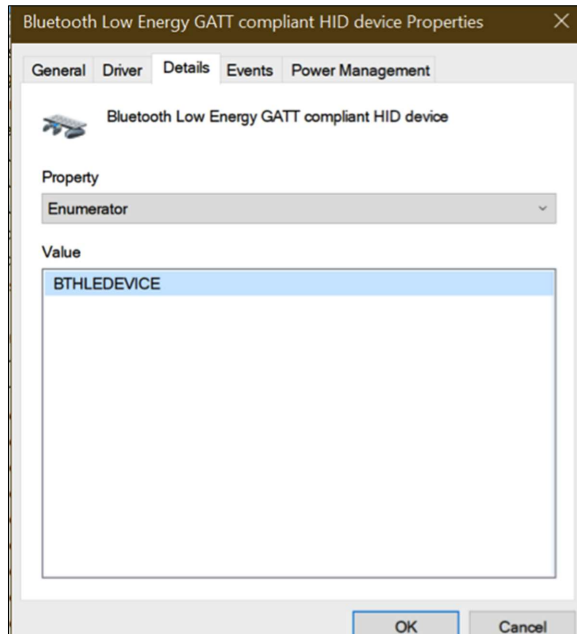
<https://fccid.io/AL8-POTE16>

As an example of this interaction, when the user presses the volume button on the computer which hosts the circuit the headset will respond and the speaker within the headset will increase its output volume.

(ii) *enumerate said one or more USB devices.*

The Accused Instrumentality is operable to enumerate the USB devices.





“A hardware ID is a vendor-defined string that Windows uses to match a device to an INF file.” <https://docs.microsoft.com/en-us/windows-hardware/drivers/install/hardware-ids>

34. Terrestrial is entitled to recover from Defendants the damages sustained by Terrestrial as a result of Defendants' infringement of the '290 Patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Terrestrial requests that this Court enter judgment against Defendants as follows:

A. An adjudication that Defendants have infringed the '552 Patent, the '133 Patent, and the '290 Patent;

B. An award of damages to be paid by the Defendants adequate to compensate Terrestrial for Defendants' past infringement of the '552 Patent, the '133 Patent, and the '290 Patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Terrestrial's reasonable attorneys' fees; and

D. An award to Terrestrial of such further relief at law or in equity as the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: January 21, 2020

Respectfully Submitted

/s/ Raymond W. Mort, III

Raymond W. Mort, III
Texas State Bar No. 00791308
raymort@austinlaw.com

THE MORT LAW FIRM, PLLC
100 Congress Ave, Suite 2200
Austin, Texas 78701
Tel/Fax: (512) 865-7950

ATTORNEYS FOR PLAINTIFF